1992 No. 262

HEALTH AND SAFETY

Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) Regulations (Northern Ireland) 1992

Made	*9th June 1992*
Coming into operation	
for the purposes of all regulations except regulation 6 insofar as it applies to any carriage such as is specified in regulation 3(1)(b) or (c)	*7th July 1992*
for the purposes of regulation 6 insofar as it applies to any carriage such as is specified in regulation 3(1)(b) or (c)	*1st January 1995*

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The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services acting jointly as the Department concerned(**a**), in exercise of the powers conferred by Articles 17(1), (2), (3), (4), (5) and (6), 40(2) to (4) and 55(2) of, and paragraphs 2, 3, 5, 13 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland, and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) Regulations (Northern Ireland) 1992 and, subject to paragraph (2), shall come into operation on 7th July 1992.

(2) These Regulations shall come into operation for the purposes of regulation 6 insofar as it applies to any carriage such as is specified in regulation 3(1)(*b*) or (*c*) on 1st January 1995.

Interpretation

2.—(1) In these Regulations—

"ADR" means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957(**c**), as revised or re-issued from time to time;

"agriculture" has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992(**d**);

"approved" means approved in writing for the purposes of these Regulations;

(**a**) See Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)
(**c**) Cmnd. 734
(**d**) S.R. 1992 No. 261

"approved list" has the same meaning as in regulation 4 of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**a**);

"break-down vehicle" has the same meaning as in regulation 2(1) of the Goods Vehicles (Certification) Regulations (Northern Ireland) 1990(**b**);

"carriage" means carriage arising out of or in connection with work and shall be construed in accordance with regulations 2(4) and 3(3); and related words shall be construed accordingly;

"Contracting Party" means a country which is a signatory to ADR;

"the Council Directive" means Council Directive 89/684/EEC on vocational training for certain drivers of vehicles carrying dangerous goods by road(**c**), as revised from time to time;

"dangerous goods" means any substance, liquid or material which is specified in regulation 3(1) other than a substance, liquid or material to which the Explosives Acts (Northern Ireland) 1875 to 1970(**d**) or the Explosives (Northern Ireland) Order 1972(**e**) applies;

"dangerous substance" (where used in or in relation to regulation 3(1)(*a*)) has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992(**f**) and (where used in or in relation to regulation 3(1)(*b*)) has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992;

"the Department" means the Department of Economic Development;

"flammable gas" has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992;

"flash point" has the same meaning as in regulation 2(1) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985;

"freight container" means a container as defined in regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(**g**);

"inspector of vehicles" means a person appointed by the Department of the Environment as an inspector for the purposes of any provision of the Road Traffic (Northern Ireland) Order 1981(**h**);

(**a**) S.R. 1985 No. 81, as amended by S.R. 1988 No. 288, S.R. 1989 No. 182, S.R. 1990 No. 120 and S.R. 1990 No. 303
(**b**) S.R. 1990 No. 224
(**c**) OJ No. L398, 30.12.89, p. 33
(**d**) 1875 c. 17; 1924 c. 5 (N.I.); 1970 c. 10 (N.I.)
(**e**) S.I. 1972/730 (N.I. 3)
(**f**) S.R. 1992 No. 260
(**g**) S.R. 1992 No. 2
(**h**) S.I. 1981/154 (N.I. 1) to which there are amendments not relevant to these Regulations

"member state" means a country (other than the United Kingdom) which is a member of the European Communities;

"motor vehicle" has the same meaning as in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;

"operator" shall be construed in accordance with regulation 4;

"organic peroxide" has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992;

"packing group" has the same meaning as in regulation 2(3)(*a*) of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992;

"permissible maximum weight", in relation to a road tanker or other vehicle, has the same meaning as it does in Article 19 of the Road Traffic (Northern Ireland) Order 1981 in relation to a goods vehicle as defined by Article 2(2) of that Order;

"petroleum licensing authority" has the same meaning as in regulation 25(2) of the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992;

"radioactive material" has the same meaning as in Article 3 of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992(**a**);

"receptacle" has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992;

"road" means a road within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;

"road tanker" has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992;

"semi-trailer" has the same meaning as in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**b**);

"tank container" has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992;

"toxic gas" has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992;

"trailer" means a vehicle drawn by a motor vehicle but does not include a semi-trailer.

(2) Where a vehicle which is engaged in the carriage of dangerous goods is—

(**a**) S.I. 1992/234 (N.I. 2)
(**b**) S.R. 1989 No. 299

(*a*) being driven by a person undergoing training under the supervision of an instructor; or

(*b*) being towed or otherwise moved by a break-down or recovery vehicle and the driver of the break-down or recovery vehicle is accompanied by the driver of the vehicle which is being towed or otherwise moved,

the instructor or (as the case may be) the driver of the vehicle which is being towed or otherwise moved shall be regarded as the driver of the vehicle concerned for the purposes of these Regulations.

(3) A combination of a motor vehicle and one or more trailers or semi-trailers shall be deemed for the purposes of these Regulations to be a single vehicle for as long as the constituent parts of such a combination remain attached, and dangerous goods contained in different parts of such a vehicle shall accordingly be considered to be contained in the same vehicle.

(4) Without prejudice to the generality of regulation 3(3), a trailer or semi-trailer containing dangerous goods shall not be considered to be engaged in the carriage of dangerous goods for the purposes of these Regulations unless it forms part of a combination deemed to be a single vehicle in accordance with paragraph (3).

(5) For the purposes of these Regulations, a vehicle shall be deemed to be registered in the United Kingdom where the relevant motor vehicle is registered under the Vehicles (Excise) Act 1971(**a**) or any enactment replaced thereby.

(6) Any reference in these Regulations to—

(*a*) the driver of a vehicle does not include a reference to a person whose work does not involve his driving the vehicle concerned on a road; or

(*b*) the particular substance identification number of a dangerous substance is a reference to the corresponding number set out in Part III of the list referred to in regulation 4(1) of the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992, as revised from time to time in accordance with regulation 4(2) thereof.

Application

3.—(1) These regulations shall apply—

(*a*) to the carriage of any dangerous substance in—

(i) a road tanker having (subject to paragraph (2) in the case of the application of regulation 5 to such carriage) a capacity greater than 3,000 litres or a permissible maximum weight exceeding 3.5 tonnes, or

(ii) a tank container carried on a vehicle, regardless of the permissible maximum weight of the vehicle concerned,

except where specified in Schedule 1 or Part I of Schedule 2;

(**a**) 1971 c. 10 which was extended to Northern Ireland by section 10 of the Finance Act 1991 (1991 c. 31).